

TTAB

Docket No. 10980-03

CURRIER & IVES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In The Matter of Application Serial No. 76/131,171
Mark: CURRIER& IVES
Published in the Official Gazette of August 14, 2001



Four Star International Trading Company,

01-25-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #61

Opposer,

v.

Opposition No. 124,553

Spice Market, Inc.,

Applicant.

X

ANSWER TO PETITION

Applicant Spice Market, Inc., a New York corporation, by and through its attorneys,
for its answer to the Notice of Opposition states as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in Paragraph 1 of the Notice of Opposition and therefore denies
same.

"Express Mail" Mailing Label Number EL692984392 US

I hereby certify that this paper or fee is being deposited with the United States
Postal Service "Express Mail Post Office to Addressee" service under 37
C.F.R. 1.10 on the date indicated above and is addressed to the Assistant
Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202 on

Jan. 25, 2002

(Date of Deposit)

Carolyn Kalmus

(Typed or printed name of
person mailing paper or fee)

Carolyn Kalmus
(Signature)

2. In response to Paragraph 2 of the Notice of Opposition, admits that Applicant's has been using the mark CURRIER & IVES on mugs, candles, simmering pots, scent rings, potpourri, fragrance oil, gift bags and other items long prior to August 27, 2000 and intends to use such mark on the remaining goods listed in Paragraph 2 of the Notice of Opposition, but denies knowledge or information sufficient to form a belief as to whether such goods are closely related to Opposer's goods. Applicant denies the remaining allegations in Paragraph 2 of the Notice of Opposition.

3. In response to Paragraph 3 of the Notice of Opposition, denies knowledge or information sufficient to form a belief as to the mark Applicant seeks to register and whether such mark is identical to Opposer's mark and therefore denies same.

4. Denies the allegations contained in Paragraph 4 of the Notice of Opposition.

5. In response to Paragraph 5 of the Notice of Opposition, admits that Applicant's application was filed on an intent to use basis on September 18, 2000, but denies knowledge or information sufficient to form a belief as to whether Opposer has used its mark prior to that date and therefore denies same.

6. Denies the allegations contained in Paragraph 6 and 7 of the Notice of Opposition.

Defenses

Opposer has failed to state a claim upon which relief can be granted.

WHEREFORE, Applicant respectfully submits that the Opposition be dismissed.

Dated: New York, New York
January 25, 2002

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Applicant

By: 

Baila H. Celedonia

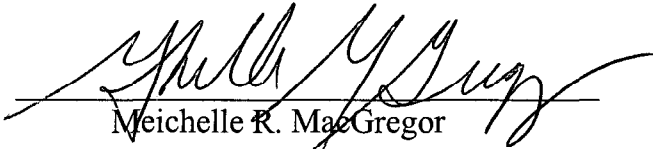
Meichelle R. MacGregor

1133 Avenue of the Americas
New York, NY 10036-6799
(212) 790-9200

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Petition was mailed to Opposer's counsel on January 25, 2002, by first class mail, postage prepaid, addressed as follows:

Elliot A. Salter
Salter & Michaelson
The Heritage Building
321 South Main Street
Providence, Rhode Island 02903-7128


Meichelle R. MacGregor